

ESTTA Tracking number: **ESTTA600020**Filing date: **04/23/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Pure Collection Limited		
Entity	Private Limited Company	Citizenship	United Kingdom
Address	Unit 5, Back Dragon Terrace Harrogate, HG1 5DN UNITED KINGDOM		

Attorney information	Nicholas Wells Wells IP Law, LLC 299 S. Main St., Suite 1300 Salt Lake City, UT 84111 UNITED STATES nwells@wellsiplaw.com Phone:801-444-7143
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Registration Subject to Cancellation

Registration No	4013420	Registration date	08/16/2011
Registrant	Throneburg, James L. 2210 Newton Drive; P.O. Box 5399 Statesville, NC 286875399 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2010/05/20 First Use In Commerce: 2010/05/20 All goods and services in the class are cancelled, namely: Socks
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Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3558022	Application Date	10/25/2006
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	PURE COLLECTION		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2002/07/00 First Use In Commerce: 2006/09/25 Clothing, namely, coats, jackets, dresses, pashminas, shirts, t-shirts, skirts,sweaters, tunics, cardigans, wraps, trousers, pants, scarves, shawls, stoles, belts, socks, hosiery, lingerie, jumpers,sweaters, underwear, vests, blouses, leggings, mittens, all for men, women, babies and children, headwear, footwear

Attachments	77029514#TMSN.jpeg(bytes) PURE--Petition to Cancel.pdf(69734 bytes) PURE COLLECTION Trademark Status & Document Retrieval.pdf(126407 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nicholas Wells/
Name	Nicholas Wells
Date	04/23/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Mark: PURE
Registration No.: 4013420

Pure Collection Limited	
Petitioner,	
v.	Cancellation No. _____
James L. Throneburg,	
Respondent	

PETITION FOR CANCELLATION

In the matter of Trademark Registration No. 4013420 for PURE, issued August 16, 2011 to James L. Throneburg:

Pure Collection Limited, a Private Limited Company registered in the United Kingdom, having a place of business at Unit 5, Back Dragon Terrace Harrogate HGI 5DN United Kingdom (“Petitioner”), believes that it will be damaged by the registration issued for the goods therein identified and hereby petitions to cancel the registration of said trademark. The grounds for cancellation are set forth herein.

1. Petitioner is the owner of U.S. Reg. No. 3558022 for PURE COLLECTION, filed October 25, 2006 and registered January 6, 2009 for “Clothing, namely, coats, jackets, dresses, pashminas, shirts, t-shirts, skirts, sweaters, tunics, cardigans, wraps, trousers, pants, scarves, shawls, stoles, belts, socks, hosiery, lingerie,

jumpers, sweaters, underwear, vests, blouses, leggings, mittens, all for men, women, babies and children, headwear, footwear” (“Petitioner’s Goods”). A copy of the TSDR printout for this mark is attached to this Petition.

2. Petitioner’s PURE COLLECTION registration is valid, subsisting, and enforceable.

3. Petitioner has used its PURE COLLECTION mark in commerce in the United States in connection with the goods listed in the PURE COLLECTION registration since at least as early as September 25, 2006.

4. Petitioner’s common law trademark rights in the PURE COLLECTION mark are valid, subsisting and enforceable.

5. Petitioner has expended significant resources in the design, manufacturing and promotion of Petitioner’s Goods sold in the United States under its PURE COLLECTION mark. The mark has become well known as an identifier of high-fashion clothing and accessories.

6. Respondent is the owner of U.S. Reg. No. 4013420 for PURE, filed on May 6, 2010 and registered on April 5, 2011 for “Socks” (“Respondent’s Goods”).

7. Respondent’s first use of Respondent’s PURE mark in commerce in the United States was on May 20, 2010.

8. Petitioner began use of its PURE COLLECTION mark prior to Respondent’s use of its PURE mark in commerce and prior to the application date of Respondent’s PURE registration.

9. The filing date of Petitioner's application to register its PURE COLLECTION mark is prior to Respondent's first use of its PURE mark in commerce and prior to the application date of Respondent's PURE registration.

10. Petitioner's rights in its PURE COLLECTION mark are senior to Respondent's rights in its PURE mark.

11. Petitioner has priority of use in commerce of its PURE COLLECTION mark.

12. Respondent's PURE mark is likely, when used on or in connection with Respondent's Goods, to cause confusion, or to cause mistake, or to deceive due to its being confusingly similar to Petitioner's PURE COLLECTION mark and its use in connection with goods that are identical to, or similar to, the Petitioner's Goods, and on goods which travel in the same channels of trade as Petitioner's Goods.

13. The non-disclaimed portion of Petitioner's PURE COLLECTION mark is identical to Respondent's PURE mark.

14. Respondent's PURE mark is likely to be comprehended by U.S. consumers as being confusingly similar to Petitioner's PURE COLLECTION mark.

15. Goods sold by Respondent under its PURE mark are identical to the goods sold by Petitioner under its PURE COLLECTION mark.

16. Respondent's mark is not registrable under Section 2(d) of the Lanham Act in view of Petitioner's prior, continuous, ongoing and current use of its mark in commerce.

17. Respondent's PURE mark, when used on Respondent's Goods, falsely suggests a connection with Petitioner.

18. As a result of the use and promotion of Petitioner's PURE COLLECTION mark for Petitioner's Goods, Petitioner's mark has acquired significant goodwill and has become famous prior to Respondent's first use of its mark and the filing date of its application to register its PURE mark.

19. Petitioner's mark is a famous mark within the meaning of Section 43(c) of the Lanham Act.

20. Respondent's registration and use of a confusingly similar mark lessens the capacity of Petitioner's mark to identify and distinguish Petitioner's Goods, and is thereby likely to cause dilution of Petitioner's mark.

WHEREFORE, Petitioner prays that Registration No. 4013420 be cancelled.

Respectfully submitted,

Dated: Salt Lake City, Utah
April 23, 2014

WELLS IP LAW, LLC

By: /s/Nicholas D. Wells

Nicholas D. Wells
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(801) 444-7143

Attorney for Petitioner
Pure Collection Limited

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April 2014, I served a copy of this PETITION FOR CANCELLATION on the Attorney of Record of the Respondent, as designated below, by placing said copy in the United States Mail, first class, postage prepaid, addressed as follows:

Martha Gayle Barber
Alston & Bird LLP
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

By: /s/Nicholas D. Wells

Nicholas D. Wells
WELLS IP LAW, LLC
299 S. Main St., Suite 1300
Salt Lake City, Utah 84111

STATUS **DOCUMENTS**[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2014-04-22 19:47:41 EDT**Mark:** PURE COLLECTION

PURE COLLECTION

US Serial Number: 77029514**Application Filing Date:** Oct. 25, 2006**US Registration Number:** 3558022**Registration Date:** Jan. 06, 2009**Register:** Principal**Mark Type:** Trademark**Status:** Registered. The registration date is used to determine when post-registration maintenance documents :**Status Date:** Jan. 06, 2009**Publication Date:** Apr. 01, 2008**Notice of Allowance Date:** Jun. 24, 2008

Mark Information

Mark Literal Elements: PURE COLLECTION**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK**Disclaimer:** "COLLECTION"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, coats, jackets, dresses, pashminas, shirts, t-shirts, skirts, sweaters, tunics, cardigans, shawls, stoles, belts, socks, hosiery, lingerie, jumpers, sweaters, underwear, vests, blouses, leggings, n babies and children, headwear, footwear**International Class(es):** 025 - Primary Class**U.S Class(es):** 022, 039**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Jul. 2002**Use in Commerce:** Sep. 25, 2006

Basis Information (Case Level)

Filed Use: No**Currently Use:** Yes**A****Filed ITU:** Yes**Currently ITU:** No**I****Filed 44D:** No**Currently 44D:** No**A**

Filed 44E: No

Currently 44E: No

A

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Pure Collection Limited

Owner Address: Unit 5, Back Dragon Terrace
Harrogate HG1 5DN
UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Andrew H. Simpson

Docket Number: UDL49.001TUS

Attorney Primary Email efiling@kmob.com
Address:

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: ANDREW H SIMPSON
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Correspondent e-mail Authorized: No

Domestic Representative

Domestic Representative Name: Andrew H. Simpson

Phone: 949-760-0404

Fax: 949-760-9502

Domestic Representative e-mail: efiling@kmob.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jan. 06, 2009	REGISTERED-PRINCIPAL REGISTER	
Dec. 01, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Nov. 30, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	

Nov. 18, 2008	STATEMENT OF USE PROCESSING COMPLETE	64657
Nov. 14, 2008	USE AMENDMENT FILED	64657
Nov. 18, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	64657
Nov. 14, 2008	TEAS STATEMENT OF USE RECEIVED	
Jun. 24, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 01, 2008	PUBLISHED FOR OPPOSITION	
Mar. 12, 2008	NOTICE OF PUBLICATION	
Feb. 28, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Feb. 27, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 27, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 26, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 26, 2008	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Sep. 15, 2007	NOTIFICATION OF FINAL REFUSAL EMAILED	
Sep. 15, 2007	FINAL REFUSAL E-MAILED	
Sep. 15, 2007	FINAL REFUSAL WRITTEN	78328
Sep. 08, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 07, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 07, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 12, 2007	NON-FINAL ACTION E-MAILED	6325
Mar. 12, 2007	NON-FINAL ACTION WRITTEN	78328
Mar. 07, 2007	ASSIGNED TO EXAMINER	78328
Jan. 31, 2007	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	68171
Jan. 31, 2007	ASSIGNED TO LIE	68171
Jan. 05, 2007	TEAS VOLUNTARY AMENDMENT RECEIVED	
Nov. 02, 2006	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	70997
Nov. 02, 2006	TEAS VOLUNTARY AMENDMENT RECEIVED	
Oct. 30, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location**Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Dec. 01, 2008[Assignment Abstract Of Title Information - Click to Load](#)[Proceedings - Click to Load](#)